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VOL. XXIII DECEMBER, 1913 NO. 4

THE AIR OF THE "STAR-SPANGLED BANNER"

Hugh Thomas Henry

THE resolution which Mr. Paul Prodoehl, a delegate from Baltimore, offered last summer at the general assembly of the German Catholic Central Verein at Buffalo, rejecting "America" and suggesting "The Star-Spangled Banner" as the proper National song of America, called forth some criticism in the daily newspapers. The *Public Ledger* (7 August) remarked editorially: "Are those who object to the origin of 'America's' tune aware that the melody of 'The Star-Spangled Banner' was originally a rousing drinking song, entitled 'To Anacreon in Heaven,' and that where we sing of the rocket's red glare and bombs bursting in air the bacchanalians chanted: 'Voice, fiddle and flute, no longer be mute'?" The New York *Evening Sun* of the same date thinks that "no one has any doubt at all about the English origin of the tune to which we sing 'The Star-Spangled Banner'."

Commenting on the utterance of the *Evening Sun*, a writer in *America* (New York, 16 August, p. 450) says:

Well, the "Sun" is quite wrong. No less an authority on musical history than Dr. W. H. Grattan Flood is quite certain that the tune is not of English origin at all, and gave his proofs in the "Ave Maria," July 6, 1912. Key directed his song to be sung to the air "Anacreon in Heaven." This song was first published in America by Matthew Carey, an Irishman, in "The Vocal Companion," 1796. Now, the London record indexes show that Stafford Smith, the alleged English composer of the air, entered the copyright of his "Fifth Book of Canzonets," the collection which contained it, on May 14, 1799, and he had only arranged the tune in form of a glee; and though he lived till 1836, he never laid claim to its composition. "Anacreon in Heaven" had in fact been printed in 1771, before Smith had published anything. The music and words were reprinted by Anne Lee, of Dublin, in 1780, and it had appeared in many collections before Smith included it in his.

Dr. Grattan Flood asserts that the tune is Irish and was probably composed by Turlough O'Carolan, the last of the Bards, about 1730. The words "Anacreon in Heaven" certainly originated in Ireland previous to 1770, though they were slightly altered in the subsequent reprints, and the air has all the characteristics of O'Carolan, as a comparison of "Anacreon" with his "Bumpers, Squire Jones," will make evident. The legend of the air's English origin was created by Chappell, who mistook Smith's collection for his composition: and Mr. Sonneck, chief of the division of music in the Library of Congress, followed Chappell. Dr. Flood has demonstrated their error; hence the preference of "The Star-Spangled Banner" to "America" on the grounds of origin involves no inconsistency, and the "Sun's" little barb misses its mark. If, as seems probable, this magnificent national air came originally from Ireland, there is a fittingness in its being set to the deathless song that was inspired by the sight of America's flag floating triumphant from Fort MacHenry. Dr. MacHenry, Washington's army surgeon from 1776 and Secretary of War in 1796, and for whom the fort was named, was an Irishman.

This clear and condensed summary of the article in the *Ave Maria* is reprinted here for two reasons: first, it exhibits the main contentions of the article in easily intelligible form; secondly, it lends itself readily to full quotation. A word in addition about this second reason. Within a week after its publication in *America* the summary appeared, with due credit, in another Catholic weekly paper, and it may well be that many Catholic papers have reproduced it since then.[1]

There is some ground, therefore, for fearing the growth of a legend which later may return to plague us. For the simple truth is that everything about the origin of the air of our national anthem is very far from being as clear as Dr. Flood would have his readers believe. It is true that he has "no hesitation" in claiming the air as of Irish origin, but we are under no obligation to share his confidence in this respect, for his assertions are not supported either by convincing reasons or by adequate references. His argument based on the characteristics of the melody is one which I shall enable my readers to estimate at its true value.

Meanwhile, what I shall have to say here is not meant as an adverse criticism of the clear and condensed summary itself, which is like a mirror in its faithful reflection of the impression made by the original article on a cultured and thoughtful reader. Neither is it my purpose to deny an Irish origin to the tune. My sole desire is to prove that Dr. Flood himself proves nothing in his article. We may hope thus to preserve an open mind

[1] Since writing this, a friend has sent me a clipping from the San Francisco *Leader* of 11 October, 1913, containing the summary. It has thus travelled the whole width of the country, from the Atlantic Coast to the Pacific. I have not searched the files of any Catholic papers, but I may fairly suppose that the summary has appeared in many others. The *Leader* also gives due credit to *America*.

on the subject, and to avoid entangling ourselves in a weak argument for a cause which otherwise might enlist our hearty support. I am encouraged in this pursuit of an ungrateful task by recalling how patiently and how minutely one of the great founders of our Society, Mr. Martin I. J. Griffin, labored to attain historical accuracy, even though the quest should lead at times to the overthrow of certain pleasant convictions entertained by Catholic speakers and writers.

Also I may hope that the present paper will prove of interest to us, as the subject not only is attractive in itself but also has been the occasion of not a little controversy, and I can only trust that it may not merit Waller's criticism of Milton's *Paradise Lost:* "If its length be not considered a merit, it hath no other."

Summary of Results

The length of the following article may prevent the accomplishment of my main purpose in writing it, namely, to hinder the growth of a legend whose repetition is much easier than its defence. A brief statement of the principal points touched upon may therefore be permitted here. I hope to show that:

1. The article in the *Ave Maria* is misleading both in its assertions and in its omissions.

2. "Anacreon" has hardly any characteristic resemblance to "Bumper."

3. The words were most probably composed by Tomlinson; the tune by Smith.

4. Mr. Sonneck's singularly careful *Report* to Congress is completely misrepresented in Dr. Flood's article.

5. There is no evidence, or even what purports to be such, that the tune is Irish in origin, or that the words "emanated from Ireland about the year 1765." In brief, there is no real basis for Dr. Flood's claim.

So much for the main purpose of my article. A subsidiary purpose—and one rendered desirable by reason of the main purpose—is to give some adequate idea of the present results of a lively discussion carried on in the last few years concerning the origin of the air. Into an account of the earlier vague and sometimes rather ludicrous ascriptions and contentions I do not enter, but it is interesting to note that as late as the year 1890 Grove's *Dictionary of Music* did not contain, even in its Appendix, any notice of our national air, while the revised edition (ed. by J. A. Fuller Maitland) of 1908 has an article of considerable length on the subject, contributed by Mr. Frank Kidson, the noted English musical antiquary. In 1909 Mr. O. G. Sonneck, chief of the Division of Music in the Library of Congress, presented to Congress an elaborate study of four of our national airs, and brought the discussion of the history of the "Star-Spangled Banner" down to date with finest critical acumen. Mr. John Henry Blake, an American inventor, worked patiently in London and discovered, in October, 1910, the important date of copyright of Smith's *Fifth Book of Canzonets*, etc., containing the air "harmonized by the author," and subsequently came upon another volume of Smith's (1780) containing an entirely different "Anacreontic," which was perhaps the cause of misapprehension as to the date of the Anacreontic Song (the source of our air) subsequently copyrighted by him (in 1799). In 1912 Dr. Flood contended for the Irish origin of the tune, and seemed to imply that it was probably composed by O'Carolan.

The Positive Argument

The argument in the *Ave Maria* is partly negative, partly positive. The negative part consists in an attempt to eliminate the commonly accepted English claim to the

tune of "To Anacreon in Heaven" (the tune, namely, of "The Star-Spangled Banner)." The positive part attempts to establish an Irish origin for the air.

This is the logical order followed by Dr. Flood. The present article reverses that order and considers, first of all, the attempt to prove an Irish origin. If (as I think can be clearly shown) the argumentation of Dr. Flood has no good basis in fact, and was therefore foredoomed to failure, the elimination of this new factor from the problem of the authorship will enable the reader to consider dispassionately the previously accepted view that the air was composed by an Englishman, John Stafford Smith. The effect which Mr. Blake's recent discovery has on the problem can then be intelligently discussed and estimated.

The positive argument is found in the third paragraph from the end of Dr. Flood's article:

> Having thus eliminated the English claim to the tune, I have no hesitation in claiming the tune as of Irish origin. Furthermore, it has all the characteristics of a composition by the famous Turlough O'Carolan, as can easily be tested by a comparison of "Anacreon" with O'Carolan's "Bumpers, Squire Jones." As O'Carolan died on March 25, 1738, the tune may be dated from about the year 1730, if not earlier. His fine melody known as the "Arethusa" was appropriated by the English, and was included for over a century as a "fine old English melody," until I disproved the ascription and showed its rightful provenance.

This is all of the positive proof: (1) the absence of hesitation on Dr. Flood's part in claiming an Irish origin for the tune; (2) the possession by the tune of all the characteristics of another tune by O'Carolan; (3) the English opinion that another song by O'Carolan was English, until Dr. Flood proved the opposite (but per-

haps this last statement was added not by way of proof or argument but merely as a *ratio convenientiae*, as theologians say).

The statements in the quoted paragraph will be taken up here in their order, but will be placed under headings intended briefly to interpret and to characterize them.

1. Expert Opinion

I have no hesitation in claiming the tune as of Irish origin.

These are the words of "no less an authority on musical history" than Dr. Flood, as the writer in *America* justly remarks, for Dr. Flood has written much on musical antiquities.[1]

It may be said in general that the opinion of an expert is naturally worthy of careful consideration and respect, although he may not always be able clearly to define the basis of that opinion. His whole general knowledge and a certain kind of instinct born of his wide experience in restricted fields of investigation will help him to form a judgment, or at least a probable opinion, on some controverted matter—and this is valuable. It may nevertheless be that Dr. Flood is over-enthusiastic in some of his advocacies, and it is common knowledge that an

[1] In 1905 he published his "History of Irish Music" (Dublin, 360 pages) and his "Story of the Harp" (London, 230 pages). The title-page of the former volume shows that he was then the organist of Enniscorthy Cathedral, Vice-President of the Irish Folk-Song Society, member of the Royal Society of Antiquaries. In 1911 he published his "Story of the Bagpipe," while he has contributed many papers to prominent magazines and articles to the "Catholic Encyclopedia." He is a Doctor of Music and a member of the Royal Irish Academy. Finally, the Holy Father has made him a Knight of St. Gregory. His words must therefore have great weight as coming from a qualified scholar in the fields both of music and of musical history. His article in the *Ave Maria*, however, bears the appearance of haste in its composition. The interests of correctness justify me in reviewing it adversely.

enthusiastic champion of any cause is rather apt to see the things he wishes to see, will unconsciously emphasize the things that make for his argument, and will with similar unconsciousness find little of moment in the things which militate against a cherished conviction.

At all events it is our present ungrateful task to review his statements about the air of "Anacreon." A reader of the *Ave Maria* article must have noticed that Dr. Flood failed to give references when he made some very startling statements (e. g., that the words of "Anacreon" "evidently emanated from Ireland about the year 1765." This is a point of capital importance, but it goes forth "without note or comment"). I must next call attention to a notable inconsistency in his statements made in *Church Music* (September, 1909, p. 281) and in the *Ave Maria* (6 July, 1912, pp. 19, 20). In *Church Music* he said (italics mine):

> In June, 1904, . . . Dr. Cummings, in his lecture on "Old English Songs" . . . *proved conclusively* that Smith was the composer [of the tune of "Anacreon"].

In the *Ave Maria* he now makes no mention of his previous conviction of absolute proof for Smith's authorship, and roundly rejects the ascription, proving to his own satisfaction that the tune is not only not the composition of Smith, but is not even of English origin.

Again, in *Church Music*, he had said:

> Smith was in his 21st year when he composed the music in 1770–1. . . . The most decisive proof of the fact that the tune was composed by Smith is that he includes it in his *Fifth Collection of Canzonets, Catches, etc.*, in 1781.

In the *Ave Maria*, however, he makes a *volta faccia* of the most pronounced type, with not a hint of his former positive assertion. He now writes:

Mr. Sonneck is wrong in following Chappell's view both as regards the composer of the melody and the date. He says that John Stafford Smith included the tune in his "Fifth Book of Canzonets," published between 1780 and 1790, and that Smith "probably" composed it about 1771.

In other words, the burden of the opinion now discredited by Dr. Flood, but formerly held by him as "proved conclusively," is laid on the shoulders of Mr. Sonneck; and this is done despite the clearest possible evidence that Mr. Sonneck did not share the common conviction of Smith's authorship. Here are the exact words of Mr. Sonneck (*Report*, p. 23):

> Probably Smith composed it, *if he really did compose the tune*, as a song for one voice, and in "harmonizing" it for several and different voices he felt obliged to wander away from the original. Of course, *if* the *supposed* 1771 sheet song was a sheet song for one voice, and *if* it contained Smith's name as composer, then all *doubt* as to the original form and to the composer vanishes.

I have italicised the words of doubt and hesitation wherein Mr. Sonneck exhibited his lack of concurrence in the commonly accepted ascription to Smith. How (unless we assume that Dr. Flood wrote very hastily) can we politely characterize the method of quotation used by Dr. Flood: "Mr. Sonneck . . . says that John Stafford Smith . . . 'probably' composed it about 1771"? Mr. Sonneck is not speaking, on page 23 of his *Report*, of the question of ascription, but of the differing forms of the melody for single voice and for several voices; but even then he takes new occasion to exhibit his doubt as to the current ascription, in the words: "if he really did compose the tune"; and, instead of saying, as Dr. Flood makes him do, that Smith "probably" composed it about 1771, Mr. Sonneck distinctly hesitates to accept

the asserted 1771 sheet by writing: "if the supposed 1771 sheet song . . . and if it contained Smith's name. . . ."

Will it be believed that, having thus incorrectly burdened Mr. Sonneck with an opinion which Dr. Flood had himself previously declared to be "proved conclusively," Dr. Flood should have the hardihood to continue as follows?

> It is simply amazing how one writer blindly copies another without taking pains to verify facts. Mr. Sonneck complacently followed the statement made by Chappell as to the music of "Anacreon in Heaven."

If, in the face of this literary cataclysm, we have leisure to indulge a sense of humor, we shall find good opportunity therefor in the reflection that Dr. Flood "complacently followed" Dr. Cummings in believing that Smith's authorship had been "proved conclusively," and later on "complacently followed" Mr. Blake in the "indisputable evidence" (the phrase is Dr. Flood's) that Smith had "merely *arranged* the tune in the form of a 'glee,' and that he did not claim any copyright for the tune."

Dr. Cummings "proved conclusively" that Smith composed the air; Mr. Blake found "indisputable evidence" that Smith did not compose the air. We begin to doubt these superlatives.

Our trust in an expert in any field of human endeavor must largely be based on the assumption that, in debatable and obscure matters, his views are arrived at slowly and are expressed with moderation of statement.

Such phrases as "proved conclusively" and "indisputable evidence" are rather strong ones, and Dr. Flood is apt to indulge freely in them. In an article in *The Dolphin* (Phila., 1905, vol. viii, pp. 187–193) claiming "Yankee Doodle" as Irish in melody, we find him vindicating

an Irish authorship of other songs with the phrases "undoubtedly Irish", "not a shadow of doubt", "unquestionable Irish origin"—all in one paragraph. Again, in the *Ave Maria* article, the tune of "The Star-Spangled Banner" has "all the characteristics" of one by O'Carolan.

The words of the "Anacreon in Heaven" could be traced (and even thus, only with some probability) back to 1770–1, and this was an element in fixing that as the date of composition of the tune. If these words dated farther back, and if they were not even of English origin, but instead were of Irish origin, it is needless to suggest the total reconstruction of our ideas thus made necessary in treating of the tune. In the *Ave Maria*, Dr. Flood says that the words are of Irish origin, and "evidently emanated from Ireland about the year 1765." But where *is* the evidence either that they were Irish or that they emanated from Ireland "about the year 1765"? Dr. Flood whets our curiosity, but leaves it without the shadow of satisfaction—for "further deponent sayeth not."

When, therefore, Dr. Flood, "having thus eliminated the English claim to the tune," declares that he has "no hesitation" in claiming it as of Irish origin, we begin faintly to suspect the value of his absence of hesitation. His language is not marked by that moderation which we should expect in obscure matters; his statements are unsupported by adequate references; and, as we have already shown, his certainty of one day is contradicted by his certainty of another day.

2. Musical Characteristics.

Furthermore, it [the tune of "To Anacreon in Heaven"] has all the characteristics of a composition by the famous Turlough O'Carolan, as can easily be tested by a comparison of "Anacreon" with O'Carolan's "Bumpers, Squire Jones."

This is the only positive argument for the Irish provenance of the tune of our national song. It "has all the characteristics" of a song by O'Carolan. Again we observe the somewhat superlative character of the phraseology used by Dr. Flood. It is not, however, necessary for us to deny or qualify his statement, for he himself has already furnished us with a previously uttered view of the characteristics of the tune. When he was proving in *Church Music (ut supra*, p. 282), that the English composer, Smith, was its author, he wrote:

> Smith was in his 21st year when he composed the music in 1770–1, and *internal evidence clearly points* to the influence of Boyce, under whom he was then studying: indeed, some of the phrases are *strongly reminiscent* of Boyce's "Heart of Oak."

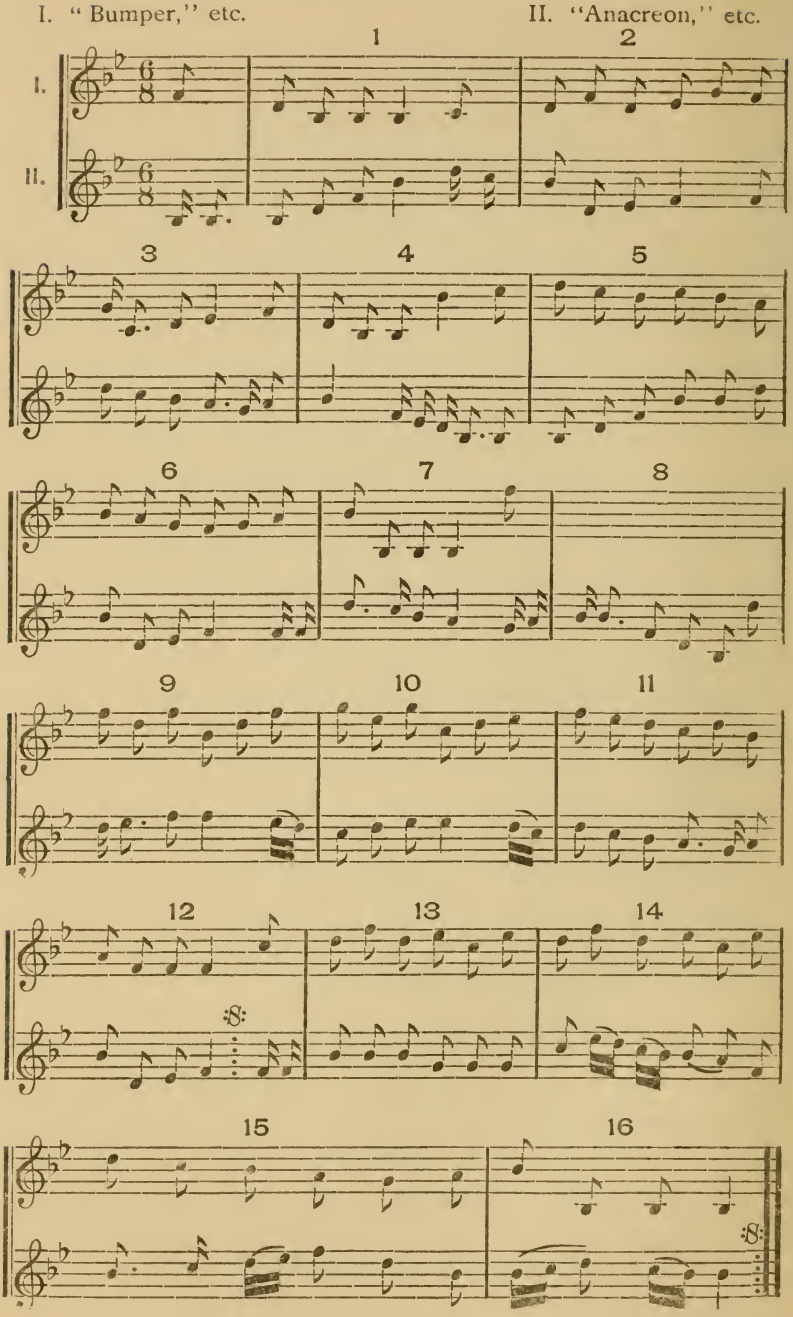
The italics in the above paragraph are ours. They are like a sign-post set up in the weary journey of investigation, to warn us against too ready a trust in the value of internal evidence. "Characteristics" are internal evidence of a certain kind. Our tune "has all the characteristics" of one by the Irish musician O'Carolan; but it nevertheless is able, of itself, to point to the influence upon its composition, of the eminent English musician, Boyce, and "some of the phrases", even, are "strongly reminiscent" of Boyce's "Heart of Oak." Who will not recall here the answers of the courtly Polonius to the melancholy Dane?

> *Hamlet.*—Do you see yonder cloud that's almost in shape of a camel?
> *Polonius.*—By the mass, and 't is like a camel, indeed.
> *Hamlet.*—Methinks it is like a weasel.
> *Polonius.*—It is backed like a weasel.
> *Hamlet.*—Or like a whale?
> *Polonius.*—Very like a whale.

The truth appears to be that in attempting to trace the history of tunes, musical historians are becoming afraid to lay much stress on "characteristics," or even on melodic similarities. Musicians borrow unconsciously from one another; and there are musical phrases which are common property. The present writer once played "Yankee Doodle" (slowly, and with a full and sober harmony) for a competent musical critic, who hesitated to assign its authorship positively, but thought it was either by Mozart or by Haydn. Archbishop Ryan once heard an orchestra play Dvorak's *Humoresque*, and some time afterwards desired the orchestra to repeat "that Irish melody." And Mr. Sonneck remarks in his *Report* (p. 78): "The efforts unreservedly to attribute the air of 'God Save the King' to Dr. John Bull (1619), merely because a few notes are similar, remind me of Mr. Elson's witty observation that with such arguments the main theme of the last movement of Beethoven's Ninth Symphony would come very close to being inspired by 'Yankee Doodle.'"

Apropos of this, in *The Dolphin* (*loc. cit.*), Dr. Flood contended for the Irish origin of "Yankee Doodle," urging that "the very structure of this tune is seen to be decidedly Irish, and apart from any other argument intrinsic evidence should point to its Irish origin." Hereupon Mr. Sonneck (*Report*, p. 146) countered with the contention: "Since the structure of the melody has been claimed with equal enthusiasm as decidedly Hessian, Hungarian, Scotch, English, etc.—indeed, in his letter quoted above, Mr. D. F. Scheurleer called my attention to the similarity of 'Yankee Doodle' with the tunes of the itinerant Savoyards—Mr. Grattan Flood's manifestly sincere assertion cannot be accepted without very careful proof as 'intrinsic evidence.'"

COMPARISON OF CHARACTERISTICS.



NOTE.—Musical readers may think that the first two notes (a sixteenth followed by a dotted eighth) of "Anacreon" should be a thirty-second followed by a dotted sixteenth. I follow, however, the exact engraving in the "Anne Lee" (of which a photographic copy is given by Mr. Blake) with the single exception, of course, that I reduce from 6-4 time to 6-8.

I have devoted perhaps too much space to an *a priori* judgment of musical characteristics and similarities as determining elements in the formation of a judgment concerning musical identities or origins. It is necessary that the exact case taken by Dr. Flood should now be investigated.

Comparison of "Bumper" with "Anacreon"

As already stated, the only argument of apparent value advanced by Dr. Flood for the Irish origin of the air of our national anthem is the one he bases on musical "characteristics," for the melody of "Anacreon" has, he declares, "all the characteristics" of O'Carolan's "Bumper, 'Squire Jones." He invites his readers to make the comparison, assuring them that the truth of his assertion "can easily be tested" in this way. The test is not, however, quite so easily made, for the readers must catch their hare first—must first of all find O'Carolan's air—and then must proceed to cook it, as it were, in the same pot with "Anacreon."[1]

To facilitate for them the process of comparison, I have transposed "Anacreon" from the key of C into the "Bumper" key of B-flat, and have turned its 6-4 time into the 6-8 time of "Bumper." Something is lost to my demonstration of the dissimilarity between the two airs by this change in the apparent rhythm of "Ana-

[1] I have said that they must first catch their hare. But this is not enough; for they must be sure that the hare they catch is the right one. For instance, O'Neill's fine collection, the *Music of Ireland* (No. 639), regularizes the rhythm (a most important point in comparing or contrasting the melodies of "Anacreon" and "Bumper," as we shall see) of "Bumper," by adding a whole measure. Baron Dawson's "Imitation" of the original Celtic text of O'Carolan could not be adapted to this modernization of the old air except by undue repetition of the initial words. In addition, the musical phrasing is badly disturbed by the location of the new measure.

creon"—this change of quarter notes into eighth notes; for the tendency is a natural (although not, it is true, a necessary) one, to sing 6-8 faster than 6-4 time, and to give "Anacreon" something of the rollicking gait of "Bumper." We are thus tempted to turn what may have been a fairly slow or at least a fairly moderate *tempo* of "Anacreon" into what was most probably a fairly fast *tempo* of "Bumper." But if the comparison is to be made with ease and some approximation to accuracy, the change of "Anacreon" to the same key and the same apparent rhythm as those of "Bumper" is almost a necessity.[1]

My readers are now invited to make the comparison desired by Dr. Flood. The upper staves give the air of O'Carolan's song; the lower staves give the air of "To Anacreon in Heaven." Dr. Flood assures us that the latter melody "has all the characteristics" of the former. A glance at the first three notes of "Bumper" may superficially remind us of the first three notes of our national anthem (as it is sometimes played), and this fact may have suggested to Dr. Flood his conception of the similarity between the two airs. But even this similarity is in reality only superficial and appeals only to the eye, for the ear will immediately recognize that in point of rhythm the first three notes disagree thoroughly. the second note of "Bumper" receiving the musical accent of the measure, while the third note of the "Star-Spangled Banner" receives that most important musical

[1] In the interests of brevity, I have condensed the title of O'Carolan's air to "Bumper," without pretending to reflect on Dr. Flood's title. In his admirable volume on *Irish Folk Music*, O'Neill calls it "Bumpers Esquire Jones," and remarks that in *The Hibernian Muse* the title is modified into "Bumper 'Squire Jones," and that it was thus given in a collection of O'Carolan's airs in 1780, and has ever since been so styled in print.

accent. However, the comparison we are to make is not between these two airs, but between the air of "Bumper" and that of "Anacreon" (whose initial notes have not even a superficial resemblance to the initial notes of "Bumper"). This is a fact to be borne in mind.

If my readers will play or sing the lower staves first of all, they will find substantially the melody of our national anthem, but will not find the initial descending notes of the "Star Spangled Banner"—a fact of which once more I beg to remind them. Having done this, let them (with whatever force of prepossession and association of ideas Dr. Flood's view may have upon their imaginations) play the upper staves throughout. Or, if they prefer, let them reverse the process, and play first of all the upper staves, and then the lower staves. Will they notice even the slightest resemblance between the two airs? Do these two airs appear to have any characteristics in common, however sturdily Dr. Flood may assert that that they have "all the characteristics" in common?

Roughly speaking, they have indeed the same rhythm (innumerable melodies have the same rhythm, and the rhythm cannot therefore be considered, in such cases, as a "characteristic," for the simple reason that it becomes so trite as to lose every element of a "characteristic"). And yet, in this very question of rhythm, we immediately find a strikingly characteristic differentiation between "Anacreon" and "Bumper." O'Carolan's air lacks a whole measure (namely the one I have marked "8") and is, because of this omission, "irregular" in rhythm, while the air of "Anacreon" is "regular." Here the remark of Douglas Hyde (s. v. "O'Carolan" in the *Catholic Encyclopedia*) is of importance: "His (O'Carolan's) poems are full of curious twists and turns of metre to suit his airs, to which they are admirably wed, and very

few are in regular stanzas."[1] Even apart, therefore, from any comparison with "Bumper," we should *prima facie* declare that "Anacreon" is most probably not Carolanian, for the reason that it lacks the usual characteristic of Carolan's airs—irregularity of rhythm.

The only characteristic in which "Bumper" and "Anancreon" agree is the apparently perfect agreement to disagree perfectly; for where one melody ascends, the other descends, and *vice versa*. This agreement to disagree begins with the very first notes and continues throughout to the end, except in the first half of the eleventh bar. So true is this that if the reader looks at any two connected staves, he will fancy that he is gazing at an illustration of scholastic counterpoint in contrary motion. If he should have a very literal mind, he will gravely count the notes on which the two melodies agree as they pass each other, and will not be surprised that they are so very few in number. The "Anacreon" air has one hundred notes, and only seven of these coincide with notes in O'Carolan's air. Seven per cent is not a notable agreement.

The eighth-notes in "Anacreon" are liberally interspersed with sixteenths and quarters and dotted eighths, and the result is that we have really a song of some dignity of rhythm; while the air of O'Carolan's "Bumper," with its overwhelming proportion of eighth-notes, reminds us of that form of dance known as a reel. And in this fact is discovered another point of characteristic disagreement of the two melodies.

Speaking of reels reminds me that another test may be made of this question of "characteristics." Play O'Car-

[1] Petrie had already called attention to this peculiarity in his *Ancient Music of Ireland* when noting (I, p. 39) that the planxty "Lady Wrixon" has "no inequalities in the time of the parts," and also in his comment on the planxty "O'Flynn" (I, p. 149).

olan's air for anybody who has not read the present discussion, and ask him (or her) if it suggests any other known melody. Everybody knows the melody of "The Star-Spangled Banner," but I venture to predict that nobody will find this air suggested by O'Carolan's. I will also venture to predict that any person who knows the so-called "Virginia Reel" (*i. e.*, "The Irish Washerwoman") will discover in it the *res signata* by the "Bumper, 'Squire Jones."

The fact is that the only apparent agreement in characteristics is in that of rhythm, and even here, as I have shown, the agreement is far from exact, and the inexactness is a characteristic of O'Carolan's muse, but not of the "Anacreon." A closer agreement in rhythm might be found in many other airs.

Having thus made the comparison in the most obvious way, it is fair to assume that Dr. Flood did not contemplate such a parallel method. Perhaps he had in mind that (as illustrated in measure 9) both melodies suddenly rise from a low to a very high note. This is true, but can be paralleled in various old Irish, Scotch, English, Welsh melodies. It is not a "characteristic."

But the two compared (*contrasted* would be a better word) melodies really differ in almost everything that can bear the name of "characteristic." They have characteristically different openings; for "Bumper" descends and remains for a brief time on the low ground thus reached, while "Anacreon" leaps up with vigor from that low ground to higher altitudes with rapid bounds. They have also characteristically different endings; for the thrice-repeated tonic (found four times in the cadences of "Bumper") cannot be found even once in "Anacreon"—and the triple repetition of the tonic in the final cadence is, as stated by Dr. Flood in his *History of Irish Music*, one of the characteristics of old Irish melody.

They differ characteristically in rhythm, as has already been pointed out. They differ characteristically in length —for "Bumper" has one measure less than "Anacreon." They differ in spirit; for "Bumper" is convivial, while "Anacreon" (although indeed formerly used as a convivial song) is really (as the immortality it has achieved as our national anthem demonstrates) martial in sentiment. They differ in melodic movement; for where "Bumper" ascends, "Anacreon" descends—and *vice versa*. They differ in phrasing, as any musician will readily perceive, although it is not within our scope to illustrate the fact here. Summing up the whole matter briefly, we find that the two melodies differ in their beginnings and in their endings and in the whole melodic movement between these two boundaries; they differ also in their rhythm, their length, their spirit, their phrasing. In what that can fairly be styled a *characteristic* do they agree? How, then, can Dr. Flood say that the air of "Anacreon" "has all the characteristics" of that of "Bumper"?

The comparison of the tunes of "Bumper" and "Anacreon" makes the contention of Dr. Flood unacceptable to us. If "Bumper" is characteristically Irish, then its antithesis, "Anacreon," must be characteristically non-Irish. But the matter is even more curious than this. After I had transcribed the "Bumper" song from an antique volume of music, I chanced to look over the chapter on disputed ascriptions in O'Neill's *Irish Folk Music*, and there learned that—*mirabile dictu!*—the tune of "Bumper" had been adjudged ENGLISH by Burk Thumoth (who in 1720 published the first collection of Irish airs), who placed it among the "Twelve English Airs" in his second volume. Hereupon O'Neill remarks that the air is duly accredited to O'Carolan in *The Hibernian Muse*, "the editor of which in this instance ventured to doubt Thumoth's infallibility." Can humor farther go?

3. Ratio Convenientiæ

His [O'Carolan's] fine melody known as the "Arethusa" was appropriated by the English, and was included for over a century as a "fine old English melody," until I disproved the ascription and showed its rightful provenance.

I trust that I have understood this assertion properly in considering it not as an argument, in the strict sense, or as a proof, but as what I have ventured to style it, namely, a *ratio convenientiæ*—that is, something that conciliates attention to an argument by removing misconceptions, disarming prejudices, and changing wrong *a priori* standpoints, as well as by showing the antecedent probability of the arguments a writer may bring forth in support of a position.

When identifying the air of "Yankee Doodle" (in *The Dolphin*, *loc. cit.*) with that of "All the Way to Galway," Dr. Flood used a similar *ratio convenientiæ*, declaring:

Other airs of the same period [sc. 1750], like "Ally Croker," "The Rakes of Mallow," "The Pretty Girl of Derby," have been claimed as English, though undoubtedly Irish, and there is not a shadow of doubt as to the English annexation of numerous Irish airs of the Jacobite period. Even a recent collection includes "The Arethusa" and "Nancy Dawson" as "old English airs," in sublime disregard of their unquestionable Irish origin.

In this extract we again meet with pronounced convictions expressed in the words "not a shadow of doubt," "undoubtedly," "unquestionable." Assuming that they are justified by the facts of the case, the value of the *ratio convenientiæ* might be summed up by saying that there is no inherent improbability in the view that the tune of "To Anacreon in Heaven" was really

borrowed from Ireland. It would hardly be justifiable to go further than this, and to contend for a probability that the tune was in fact taken thence.

Such a probability might indeed be constructed, if the habit of borrowing were all on one side; that is, if many reputedly English airs could "unquestionably" be ascribed to Irish sources, and if no reputedly Irish airs could similarly be referred "without a shadow of doubt" to English or other sources. Let us, then, hear the other side.

In his *Song Book* (London, 1866), John Hullah records a number of instances of what he considers English airs masquerading as of Irish origin:

(a) Hullah thinks that Chappell "has thoroughly disposed of the Irish claim" to the melody of Moore's, "As Slow Our Ship" (English: "The Girl I Left Behind Me"), adding that "The termination of 'As Slow Our Ship' in the *Irish Melodies* is doubtless Moore's own."

(b) Moore refers the melody of "Believe Me if All Those Endearing Young Charms" to the song, "My Lodging it is On the Cold Ground." This latter song is given by Hullah, who remarks ironically on it: "Another 'Irish Melody,' undoubtedly of English origin. The writer of 'Believe Me if All Those Endearing Young Charms' may, however, be pardoned his abduction, in consideration of the immortal verse to which he has married the music he ran away with."

(c) Hullah declares that the melody of the song, "Shepherds, I Have Lost My Love," is the melody "to which Moore has adapted his elegant 'When Through Life Unblest We Rove.' There seems no reason to doubt its English origin."

(d) Of Moore's "Oh! Could We Do With This World of Ours," Hullah says: "Another of the 'Irish melodies,' entitled by Moore *Basket of Oysters*. 'It has been

a favorite tune,' says Mr. Chappell, 'from the time of Elizabeth to the present day.'"

(e) Moore's *Song of the Battle-Eve* ("Tomorrow, comrade, we") has the melody of the *Cruiskeen Lawn* and of "John Anderson My Jo." Hullah says: "Mr. Chappell regards this beautiful melody as a 'mere modification of the English tune' "I Am the Duke of Norfolk," which 'has remained in constant and popular use from the early part of the reign of Queen Elizabeth down to the present time.' Moore has included it, modified as usual, in his *Irish Melodies*, under the name of *Cruiskeen Lawn*. Whatever be its origin or date, its interest and popularity are due entirely to the words, with which it is now universally associated. By right of conquest, at least, it is a Scottish song."[1]

(f) "Chappell has called attention to the resemblance which this tune [Moore's "Rich and rare were the gems she wore"] and even its original words, bear to the celebrated English canon 'Sumer is y-comin in'" (c. 1216).

Into the correctness of the above ascriptions of tunes it is not really necessary for us to enter here. Whether the statements be objectively correct or not, they are made with equal confidence—and from an equally acceptable source—with those of Dr. Flood. They indicate what is probably a very common thing in the long

[1] *Apropos* of "characteristics" and the hostile national claims based on them, it is interesting to find the eminent Dr. Stokes (who loved his Ireland dearly) ascribing the air of the Cruiskeen Lawn to Danish sources in his *Life of George Petrie* (p. 311): "A few Danish airs are to be met with in Scotland, as in Ireland . . . while among the airs of Ireland, 'The Cruiskeen Laun,' is a known example of a Danish warlike song, or a march. When played in march time, all character of a drinking song disappears; and Moore, in giving his words—

'To-morrow, comrades, we
On the battle-field must be,'

to this air, seems to have recognized its nature."

history of music— namely, mutual borrowings, the initial one of which is, in some cases, lost in the twilight of musical and national history. They also indicate that an argument from "similarities" or "characteristics" has not a very compelling force. In view of these quoted statements, it seems pretty clear that the *ratio convenientiæ*, when confronted with the "other side" of the question, has also lost much of its conciliatory force.

We should rejoice to know that the tune of "The Star–Spangled Banner" was of Irish origin. Why, then, have we taken the trouble to investigate the value of the reasoning? Why not accept as a fact what would naturally please us so much? Well, for one thing, the shade of our own Martin I. J. Griffin stands in our pathway to this delectable goal. He seemed always to prefer truth— or such a modicum of truth as human patience could attain to in American Catholic History—to any preconception, however pleasant it might be. For another thing, the very readable, well-condensed summary in *America*, of the paper contributed by Dr. Flood to the *Ave Maria*, lends itself readily to quotation by our Catholic press; and thus a legend may grow up to whose exact correctness we should probably lend too ready an assent, only to find later—mayhap—that the defence of the legend is not quite as easy as its repetition.

The Negative Argument

I think the question of the authorship of the tune has been simplified by elimination of the Irish claim (so far, of course, as that claim rests on the bases furnished by Dr. Flood's article). We are now able to consider the effect of Mr. Blake's discovery on the commonly accepted view that Smith is the author. In rejecting this view (which had in 1909 been held by him) Dr. Flood writes:

In order to bolster up Stafford Smith's claim as a composer of the tune, Chappell and his copyists give the date of his "Fifth Book of Canzonets" as "1780 or 1785." Fortunately for historical accuracy, a wealthy Irish-American, Mr. John Henry Blake, went to the Copyright Office, Stationers' Hall, London, and searched the record indexes of the copyright department from 1746 to 1799 inclusively, with the result that he discovered the actual date on which Smith entered the copyright—namely, May 14, 1799.

Dr. Flood is very severe on "Chappell and his copyists" who attempted to "bolster up" Smith's claim by assigning too early a date for his volume. But as late as 1909 Dr. Flood himself wrote in *Church Music:*

The most decisive proof of the fact that the tune was composed by Smith is the fact that he includes it in his *Fifth Collection of Canzonets, Catches*, etc., in 1781.

Shall we reckon Dr. Flood among the "copyists" who attempted to "bolster up" Smith's claim by assigning a date for his volume at least eighteen years before the appearance of the volume?

It will be convenient to divide our discussion of the "Negative Argument" into four parts suggested by Dr. Flood's treatment of the question: 1. The Discovery of the True Date of Smith's Copyright; 2. Smith Arranged the Tune as a Glee; 3. Smith "Never Claimed the Tune as His"; 4. The Authorship of the Words.

1. Discovery of the True Date of Copyright.

To understand the significance of Mr. Blake's discovery of the date of copyright of the *Fifth Book of Canzonets*, etc., the following historical details or assertions may be briefly given. And first of all, as to the Anacreontic Society. In his *Musical Memoirs* (1830) W. T. Parke wrote under the year 1786:

This season I became an honorary member of the Anacreontic Society, and at the first meeting played a concerto on the oboe, as did Cramer on the violin. The assemblage of subscribers was as usual very numerous, amongst whom were several noblemen and gentlemen of the first distinction. Sir Richard Hankey (the banker) was the chairman. . . . The meetings were held in the great ball-room of the Crown and Anchor Tavern in the Strand, once a fortnight during the season, and the entertainments of the evening consisted of a grand concert, in which all the flower of the musical profession assisted as honorary members. After the concert an elegant supper was served up; and when the cloth was removed, the constitutional song, beginning, "To Anacreon in Heaven," was sung by the chairman or his deputy. This was followed by songs in all the varied styles, by theatrical singers and the members, and catches and glees were given by some of the first vocalists in the kingdom.

Parke goes on to relate that the Duchess of Devonshire, "the great leader of the *haut ton*, having heard the Anacreontic [that is, the song 'To Anacreon in Heaven'] highly extolled," wished to hear it (privately) sung at the concert, and a lattice-work was put up to allow her and her accompanying ladies to attend without being seen. He goes on to say that "some of the comic songs not being exactly calculated for the entertainment of the ladies, the singers were restrained; which displeasing many of the members, they resigned one after another; and a general meeting being called, the society was dissolved."

The dissolution, however, did not occur in 1786, but sometime later. Neither is the date of the foundation of the society certain, "and therefore it is a somewhat open question since when 'To Anacreon in Heaven' can have been sung as the 'constitutional' song of this society". Thus Mr. Sonneck (*Report*, p. 20),

who quotes from Dr. Flood's "Notes" the statement that "The words and music of 'To Anacreon' were published by Longman and Broderip in 1779-1790, and were reprinted by Anne Lee of Dublin (?1780) in 1781..."; follows on with a statement from a letter to him written by Mr. William Barclay Squire (21 Sept., 1908) that both publications "are about 1780, but it is *quite impossible to tell the exact dates*", [italics mine] and gives the titles of the Longman and Broderip edition (transcribed by Chappell for *Notes and Queries* in 1873):

The Anacreontic Song, as sung at the Crown and Anchor Tavern in the Strand, the words by Ralph Tomlinson, Esq., late President of that Society. . . .

Dr. W. H. Cummings, the distinguished English scholar, wrote to Mr. Sonneck (7 Nov., 1908):

I had a copy of Smith's "To Anacreon in Heaven" pub. [lished] in 1771, but cannot now find it. I have two copies of a little later date. The first named was a single sheet song.

Mr. Sonneck comments:

Doctor Cummings evidently was not willing to commit his memory under the circumstances on the point of imprint, nor does he make it clear whether or no Smith's name appeared on the sheet song as that of the composer. Assuming that Doctor Cummings had every solid reason to date this, the earliest known issue, of "To Anacreon," 1771, it follows that words and music must have been written at the latest in 1771 and at the earliest in the year of the foundation of the "Anacreontic Society," which is unfortunately unknown. . . . About 1780 Ralph Tomlinson, esq., appears in the Longman & Broderip edition, as the "late President of the Society," and no other gentleman has yet been found to have preceded him in the chair.

The song—with or without music—appeared as follows (abbreviated from Sonneck's *Report*):

1771 (?) (Dr. Cummings' sheet);
1778 (words only, in *Vocal Magazine* etc., London);
1780 (*circa*) (words and tune, Longman & Broderip, London, and reprint by Anne Lee, Dublin);
1783 (words and music in *Vocal Enchantress*, London);
1788 (in *Calliope; or, the Musical Miscellany*, London);
1792 (in *Edinburgh Musical Miscellany* Edinburgh);
1797 (in *Vocal Magazine*, Edinburgh);
1796 (as a Masonic Ode, Dublin);
1802 (2nd edition of Masonic Ode).

Mr. Sonneck comments:

The inference to be drawn from the insertion of "To Anacreon in Heaven" in the quoted collections, not to mention many later collections, is plain. As those collections were among the most important and most popular of the time, "To Anacreon in Heaven" must have been familiar to all convivial souls in the British Isles toward 1800. Now it is fact that with the exception of that mysterious sheet of 1771, not one of these publications alludes to the composer of the tune. It was not a rule to do so in miscellaneous collections, yet it is a curious fact that, while contrary to custom, Stewart's Vocal Magazine, 1797, mentions in a separate index the composers of many of the airs, it leaves "To Anacreon in Heaven" without a composer. Possibly the editor doubted the now generally accepted authorship of John Stafford Smith, or he was still unaware of the peculiar form of entry (mentioned by William Chappell as early as 1873!) of "To Anacreon in Heaven" in:

The fifth book of canzonets, catches, canons and glees, sprightly and plaintive with a part for the pianoforte suhjoined where necessary to melodize the score; dedicated by permission to Viscount Dudley and Ward, by John Stafford Smith, Gent. of His Majesty's Chapels Royal, author of the favorite

glees, Blest pair of Syrens, Hark the hollow woods, etc. The Anacreontic, and other popular songs. Printed for the author. . . .

This collection was published between 1780 and 1790, the exact date being unknown.

This "fifth book of canzonets", then, is the book whose date of copyright was found (in October, 1910) by Mr. John Henry Blake, an American, after a search in the records of Stationers' Hall, London, from the dates 1746-1799. He located the copyright entry of the *Fifth Book of Canzonets* as 8 May, 1799, and notes a misprint of the title (as given above by Mr. Sonneck) of which he furnishes a photographic facsimile in his monograph. The period-mark placed before "The Anacreontic, and other popular songs", should be a comma, and the word "The" should begin with a small letter—thus associating, Mr. Blake argues, the Anacreontic, not with "other popular songs", but with the previously mentioned "glees". Mr. Blake elevates into a point of capital importance what is merely a printer's error.[1]

[1] As I shall have to pass severe criticism on some of the statements of Dr. Flood, I take occasion of this printer's error to felicitate Dr. Flood on his discernment (which becomes, indeed, the usual possession of anyone who publishes much and knows how easily a printer may make mistakes) in not following Mr. Blake's lead here. Mr. Blake's very argument may be neatly turned against himself. Mr. Sonneck, in letters to me dated October 18 and 27, 1913, does this in the following manner:

"Mr. Blake is correct in stating that in my transcript of the title of Smith's 'Fifth Book' there is an error. It should be 'author of the favorite glees . . . Hark the hollow woods, etc. the Anacreontic, and other popular songs,' and not 'woods, etc. The Anacreontic . . .' (the printer did not follow copy but followed office rules in using a capital letter after a period sign, and when reading proof under pressure of other business I overlooked the error). Mr. Blake waxes enthusiastic over this discovery, claiming that Smith by using the lower case letter in 'the,' included 'the Anacreontic' among his aforesaid *glees* composed by him and not among his 'popular songs.' Therefore, as

Having identified thus the volume whose copyright was discovered by Mr. Blake, we have arrived at a point where three observations may well be made on the account which Mr. Sonneck gives us in his *Report*. First of all, we notice the critical care displayed by him in not committing himself to any inference wider than his premises—namely, the assertions made by prominent musical antiquaries—and his avoidance of partisanship where their statements assert boldly, moderately, or hesitatingly. Secondly, we notice his cautious attitude towards the prevailing ascription of the tune to Smith—a fact of importance to remember, in view of the tone of Dr. Flood's article. Thirdly, we notice the dates between which (1780 to 1790) Mr. Sonneck would place the publication of Smith's Fifth Book, etc. Mr. Blake's long search has since resulted in finding the exact date, 1799. Dr. Flood, indebted (like everyone else) to Mr. Blake for this information, assails "Chappell and his copyists" for an attempt to "bolster up" Smith's claim to the authorship of the tune by assigning the date of the publication of the Fifth Book, etc., as "1780 or 1785". And yet Dr. Flood had himself assigned, in the year 1909, the date of publication of this Fifth Book as "1781". If any stones are to be thrown, assuredly those who throw them should not live in glass houses. However, it was wholly unnecessary to throw any stones at all.

'To Anacreon in Heaven' first appeared as a song, not as a glee, Smith himself did not claim to have composed it, etc. All nonsense, of course, but it is this kind of nonsense which one has to combat. The very fact, it seems to me, that the title reads 'etc. the' shows that 'the Anacreontic' belongs grammatically to 'and other popular songs' and that 'the Anacreontic' was meant as a 'song;' and the word 'other,' it further seems to me, compels this interpretation. And again Mr. Blake breaks down under his own information, because, as if the Registrar wished to make the point raised by me above, perfectly clear, he transcribed Smith's copyright certificate for Mr. Blake as follows: 'the Hollow Woods, etc., The Anacreontic, and other popular songs.'"

Where one has not exact information, one is compelled to figure as closely as he may from what are currently esteemed the probabilities in the case.

2. Smith Arranged the Air as a Glee.

Continuing the narrative of Blake's discoveries, Dr. Flood writes in the *Ave Maria*:

> He also found indisputable evidence that Smith merely *arranged* the tune in the form of a "glee," and that he did not claim any copyright for the tune.

The "indisputable evidence" seems to have been the fact that Smith, in his *Fifth Book of Canzonets* (copyrighted May 8, 1799), writes that the tune was "harmonized by the Author". What does "Author" mean here? Does it mean the author (that is, the compiler and editor) of the *Fifth Book,* namely, Smith; or does it mean the author (that is, the composer) of the tune? Blake contends that "author" can not mean "composer". He tells us in his pamphlet that he had sent his discovery to Mr. Kidson, the noted English musical antiquary, who replied that he could not see how the phrase "harmonized by the Author" invalidated the view that Smith might have composed the air some years before he published it. However this may be, the incident seems to me to throw some light on Dr. Flood's assertion that Chappell and his copyists had sought to "bolster up" Smith's claim by assigning a date for the *Fifth Book* as "1780 or 1785". If one tries to bolster up a weak claim by assigning an untrue date, one is properly liable to the charge of practising deceit. Can this be fairly said of Chappell, when, in a letter dated October 23, 1910, a present-day antiquary of the eminence of Mr. Kidson can still find ambiguity in the word "author"?

A reader who is not well versed in the literature of the present discussion might perhaps suppose that Mr. Blake

had " discovered " in Smith's *Fifth Book* the phrase " harmonized by the Author " in reference to the song " To Anacreon in Heaven ". Not only was the phrase and its relation to the song well-known long since, but a facsimile of the page (in the Fifth Book) containing that phrase appeared in Mr. Sonneck's *Report* in 1909.

Again, Smith does not refer to his arrangement of "Anacreon " as a " glee ". It is not wrong so to characterize his composition; but he himself did not so characterize it. He called it " Anacreontick Song ".

As will be seen further on, the copyright certificate appears to establish the meaning of " author " to be nothing less than " composer ". He was the author (composer) of the " whole " work, the tune of the Anacreontic Song included.

Where, then, is the " indisputable evidence " that Smith " merely *arranged* the tune in the form of a ' glee ' "?

3. Smith " Never Claimed the Tune as His ".

The remaining argument against Smith's authorship of the tune is stated by Dr. Flood in the *Ave Maria* as follows:

> Smith lived till the year 1836, and he never asserted his claim as composer of his melody, although Key had written " The Star-Spangled Banner " to it in 1814. Surely it stands to reason that if Smith had composed the tune, and that the said tune (whether set to "Anacreon in Heaven " and the " Star-Spangled Banner ") had been sung, printed, and circulated all over the British possessions and in America, he would, as a true Britisher, have asserted his claim to it.

Here much is made of Smith's failure to lay claim to the authorship of the tune. In his *Fifth Book of Canzonets,* etc., Smith did declare that the tune there given was " harmonized by the Author ". Blake (and, following his lead,

Flood) can see in this declaration only a confession that Smith was not the author of the tune, but merely the author of the collection; and that, if Smith desired to vindicate his authorship of the tune, he should have used the word "composer" instead of "author". Mr. Kidson could not see the force of this contention.

In his *Report* Mr. Sonneck had already discussed (p. 23) this interesting question:

> The words "harmonized by the author" may of course mean harmonized by the author of the collection and do not necessarily mean harmonized by the author of the air, but these words, together with the fact that the collection contains none but Smith's own glees, etc,, and the wording of the title renders it probable that Smith refers to himself as the composer of the music. . . . Probably Smith composed it, if he really did compose the tune, as a song for one voice, and in "harmonizing" it for several and different voices he felt obliged to wander away from the original.

This brief extract from the *Report* shows us that Mr. Sonneck (a) held his judgment in suspense as to the meaning of "author", and (b) had not committed himself—("if he really did compose the tune" are his words)—to the common ascription of the air to Smith. But here it is highly interesting to note with what felicity he is able to make use of the copyright certificate subsequently given to Mr. Blake by the Registrar of Stationers' Hall records, to emphasize (almost, if not indeed quite, to the point of conviction) the contention that Smith really did mean by the word "author" nothing less than "composer". This interesting argument is thus stated in Mr. Sonneck's letters to me (18 and 27 October, 1913):

> Now the copyright record, as quoted with great glee but little understanding by Mr. Blake, distinctly says under "Property of": "Author," and under "Share": "Whole." Conse-

quently, if copyright certificates have any evidential value at all, Smith was officially recorded as claiming the copyright in the whole "Fifth Book" as "Author" (i. e. composer, because to my knowledge *author* was the official term used in the statute for all copyrightable matter, including musical works, and not *composer*, and author can mean in this instance and under the circumstances composer only and nothing else, since Smith does not pose as *compiler* of the music, much less as *author* of the texts; in several instances he mentions the authors of the texts). *Ergo*, if his words on p. 33: "The Anacreontick *Song* (sic! poor Mr. Blake) harmonized by the author" could leave the doubt expressed on p. 23 of my "Report" as to what Smith meant by these words, these words in conjunction with Smith's copyright certificate now would appear to establish, beyond reasonable doubt, that Smith *claimed* to be the author (composer) of "The Anacreontick Song": "To Anacreon in Heaven," "harmonized" by him in this "Fifth Book" as a part-song, and designated a *glee* by me in my "Report" (but not by Smith himself!).

And this (it seems to me) inevitable conclusion stops up the keyhole, which Mr. Blake cannot keep open for escape, that there is in Smith's Miscellaneous Collection of 1780, on p. 35, a four-part piece headed simply "Anacreontic." In the Index it is called, "Is it summer . . . GLEE." Thereby Mr. Blake, or anybody else, is enjoined from operating with the over-nice distinction between "song" and "glee" (*i. e.*, only when it suits their purpose). They cannot say that Smith, in the title-page of his "Fifth Book," referred to this "glee" as the *popular* Anacreontic *song* composed by him and not to "Anacreon in Heaven." No, the title-page apparently refers to "Anacreon in Heaven," and to this *Anacreontick Song* in a *harmonized* version Smith laid copyright claim on May 8, 1799, as author (composer).

Perhaps he lied; but it is up to our friends Blake and Grattan Flood to prove that he lied. Until they produce proof of fraudulent claim, Smith's *claim* at least will stand good in any court of scientific inquiry, and I cannot see how, under the circumstances, we can deny that Smith composed "To

Anacreon in Heaven," unless a prior authenticated claim by some other composer is produced.

And with Smith's own copyright claim collapses the silly argument that, if Smith had been the composer, he would have taken pains to tell the world that he was the composer. Well, he did, on May 8, 1799, and that is all there is to this phase of the matter at present, so far as I can see.

I have said that Mr. Sonneck's argument emphasizes the contention that Smith "claimed" the tune, and emphasizes it "almost—if not indeed quite—to the point of conviction". One may still hesitate (and therefore I use the word "almost") to accept Smith's claim to authorship because of its apparent tardiness; for the tune was most popular before 1799, and had been printed (as already shown in this article) in many collections, and had not had Smith's name attached to it. Stewart's Vocal Magazine (1797) gives (against the usual custom of the time) the names of some of the tune-composers, but does not mention Smith's name in connection with "To Anacreon in Heaven". Why had not Smith "claimed" it much sooner than the year 1799?

The answer to this difficulty may, I think, take the form of an illustration. Father Clarence Walworth published, in 1853, his translation ("Holy God, we praise Thy name") of the Te Deum, in a Redemptorist "Mission Book", without, I think, attaching his name to it. Certainly, he compiled and edited that book, and its title-page does not bear his name. The hymn attained a very widespread use, and was sung both by Catholics and by Protestants. Nevertheless, it appears that he did not "claim" it as his composition until the year 1888—thirty-five years afterwards—the year, namely, in which he published his collected poems, *Andiatorocte*, etc. (London and New York). In a recent letter to me his niece (who in 1888 acted as his amanuensis) recalls that Father Walworth then said to her: "You see I

put in my Te Deum. So many Protestants sing it and have it in their hymn books, the people think it is their hymn. I'll claim it back." (See *Ecclesiastical Review*, August, 1913, p. 134). Had he died before issuing his *Andiatoroctè*—and by the usual allotment of years to man he might easily have done so, as he was then sixty-eight years old—the mystery of the authorship might not have been an easy one to solve at the present time. More remarkable still is the fact that in the *Life Sketches of Father Walworth, 1820-1900*, a volume of more than 300 pages published by his niece in 1907, while mention is made of his "Te Deum", nowhere, I believe, is the exact title given. Now, there were in his day many translations of the "Te Deum" into English verse, just as in Smith's day there were many "Anacreontics" (Smith himself certainly claiming one of these in his 1780 publication, and apparently claiming another in his copyrighted work of 1799).

There is another parallel feature in the case of Smith's tune and Walworth's hymn. Both had appeared in various publications previously to the formal claim of authorship. It was not a rule in the eighteenth century, for musical collections to give the names of those who composed the tune; but Stewart's Vocal Magazine, 1797, gives the composers of many of the tunes, in a separate index, but does not credit "Anacreon" to Smith. Similarly, it is not the custom of our Catholic hymnals to give the names of the authors of the words. I have nevertheless found several hymn books which give some of these names, and yet do not give the name of Walworth in connection with his translation of the Te Deum which they use. His authorship is certain, and the silence of these hymnals must be explained on some other basis than that of a doubt as to his authorship. The editors simply may not have known ("pure ignorance, Madam", as Dr. Johnston explained to the lady who wondered why he had defined "pastern" as

"the knee of a horse" in his Dictionary), although they lived in the very years in which Walworth lived. Music publishers in the eighteenth century may simply have "clipped" from other publications, just as hymnal editors do at this day, often without bothering in any nice way about the authorship of words or tune—or even about the copyright of either.

Now it is a curious fact that *one* hymnal published during the life of Father Walworth *did* credit him with the authorship of the words (the only one I am aware of that did so, although I have examined many). It is a yet more curious fact that this one hymnal was not a Catholic one, but an *Evangelical Hymnal* (ed. by Hall and Lasar, N. Y., 1880). It correctly credits the words to Walworth, and also gives the date of 1853. I think that if, in what Bacon calls "the wreck of time", this hymnal had disappeared and Father Walworth had not lived to bring out his volume of poems, we should not find it an easy matter to settle at this late day the question of authorship. "Late day"—but thirteen years after his death!

This leads me to the question: What may not "the wreck of time" have accomplished for eighteenth-century literature? The record stands that in 1799 Smith described the air in the Fifth Book as "harmonized by the Author". That we cannot find a previous claim of "authorship" by Smith does not of itself invalidate the interpretation of "author" in the sense of "composer". One cannot prove a negative, it is true; but, on the other hand, one may not too roundly assert a universal positive. Much of the musical literature of that day may have perished; and of what remains, not everything is known (Mr. Blake's labor has shown us). Dr. Flood himself had not taken the trouble—although living within a reasonable distance of London—to verify the date of copyright of the famous *Fifth Book,*

etc. It was reserved for an American laboriously to look up the records and to fix that date with certainty. Mr. Blake contributed much to the simple facts of the situation by doing so; and, whether or not we wish to accept his inferences, he has the credit of careful search on this one point—a point of much importance in the discussion.

One must not be over-positive in implying or stating a negative. An illustration may be given here. It is less than twenty years ago that Mr. J. Fairfax McLaughlin wrote in the *American Art Journal* (v. 68, 194-5, 1896): "In the 'Vocal Companion', published at Philadelphia in 1796 by Matthew Carey, the words and music of the [Anacreontic] song were first printed. The name of the author was not given. I challenge any man to point out its publication in England prior to that date." A writer in the (London) *Musical Times* (1 August, 1896) immediately referred Mr. McLaughlin (p. 518) to the *Vocal Magazine,* etc., issued in London in 1778. In another place in his article, Mr. McLaughlin said: "More than a quarter of a century after it had been published and re-published in the United States, 'The Universal Songster', published at London from 1825 to 1834, printed the song 'To Anacreon in Heaven' for the first time that I have been able, after a rather exhaustive search, to discover its publication in Great Britain, and gave the name of Ralph Tomlinson as its author." And again: "The words of the ballad indicate that it was written for a Bacchanalian club, but where the club flourished or when it was established are vexed questions which the most indefatigable research has never been able to solve." This was written in 1896; but the questions had been pertinently discussed and answered as far back as 1873 by William Chappell in *Notes and Queries.* Much of the literature of the last two decades of the eighteenth century and the first two decades of the nineteenth century has been brought to

light; and one may fairly surmise that not a little work may still be done in this field.[1]

If, however, Dr. Flood implies that Smith should have laid any *legal* claim to the tune, in view of its wide use in Ireland, Scotland and America, we have only to recollect that the English copyright law then in existence did not extend to Ireland until after the Act of Union in 1800; that English copyrighted books were freely published in Dublin and sometimes, to the great annoyance of English publishers, were carried into England; and that in the American colonies, the Revolution removed publishers from all liability to English law, whether statute or common, and that, indeed, the British colonies were not under the operation of the English copyright law. If Smith had copyright, he could vindicate it nowhere save in Great Britain; and, as might easily have been the case, had he transferred his common-law right to the publisher of some "collection" of music, his name would not appear in the records of Sta-

[1] I do not think this an absurd suggestion; for the fate that sometimes overtakes even special—and therefore peculiarly valuable—collections of a bibliophile or antiquary is illustrated in the very case of Smith himself. His sole heir becoming insane, his great library was sold by an auctioneer who had no knowledge of its value. Mr. W. H. Husk, the librarian of the Sacred Harmonic Society, writes thus in Grove's *Dictionary:* "It was sold April 24, 1844, such books as were described at all being catalogued from the backs and heaped together in lots, each containing a dozen or more works; 2191 volumes were thrown into lots described as 'Fifty books, various,' etc. The printed music was similarly dealt with; the MSS. were not even described as such, but were lumped in lots of twenties and fifties, and called so many 'volumes of music.' The sale took place at an out-of-the-way place in the Gray's Inn Road; Smith's name did not appear on the catalogue; nothing was done to attract the attention of the musical world, and two dealers, who had obtained information of the sale, purchased many of the lots at very low prices. These after a time were brought into the market, but it is feared the greater part of the MSS. are altogether lost." As I have said, Cicero's *injuria temporis*, Bacon's "wreck of time," will serve to account for the many *lacunae* in the pathway of the historical investigator!

tioners' Hall. The words of "To Anacreon in Heaven", sung perhaps in 1770-1771, very evidently were fitted to the peculiar rhythm which we find in the tune. It is probable, at least, that text and tune went hand in hand, even at that date. It is certain that both text and tune soon became popular. It is therefore to be wondered at that *The Anacreontic Songs for 1, 2, 3 & 4 voices composed and selected by Dr. Arnold and dedicated to the Anacreontic Society* (London, J. Bland, 1785) did not include "To Anacreon in Heaven". Why not? The song was the constitutional song of the Society, the volume was dedicated to the Society, and the songs it included were—some of them—selected. Apparently, some copyright law forbade the inclusion of the tune. If, at that early day, nobody "claimed" it, it seems hard to explain why, of all the songs open to Dr. Arnold for inclusion, it should have been passed over in silence.

In this connection it occurs to me that the operation of the first copyright law passed in England might throw some light on the date of copyright of Smith's *Fifth Book,* etc. It is not unlikely that 1770-1771 offers us the date of the union of text and tune. We find Smith including text and tune (the latter "harmonized by the Author"—whatever that may mean) just *twenty-eight years* later, that is, in 1799. Now, by the Copyright Act of 1709, an author obtained copyright for fourteen years, and after this time had elapsed, had another right for a subsequent fourteen years. The total was therefore just *twenty-eight* years. In subsequent (1814) legislation, these two terms of fourteen years each became a single term of twenty-eight years. Had Smith written his tune in 1770-1771, his right to it could not survive the year 1799; and it is quite permissible to suppose that he was ready, in that year, with an arrangement of the tune as a *glee,* so that a new term of copyright might be granted him. Of course, it is also quite permis-

sible to suppose that some one else had composed and copyrighted the tune, and that Smith was ready to pounce upon the tune as fit matter for a glee and a new copyright for himself. He had the legal right to do so. This supposition, however, would perhaps degrade Smith not merely to the rank of a "fourth-rate musician" (as Dr. Flood styles him) but—what is much worse—to the rank of a second-rate gentleman also. We may assume that Smith was a gentleman; but we do not have to deny that he was a "fourth-rate musician", for the record of his musical honors speaks for itself.[1]

Finally, if no copyright had protected the publisher of the tune, it is not easy to surmise why Smith should have waited for his *Fifth Book* to include so popular a melody.

Smith's "Audacity".

I do not know with what intent Dr. Flood introduces his remark concerning the "audacity" of Smith, in the fol-

[1]Born in 1750, he received his first musical instruction from his father (organist of Gloucester Cathedral from 1743 to 1782); later studied under Dr. Boyce, the eminent composer and musician, in London; was a chorister of the Chapel Royal and "became an able organist, an efficient tenor singer, an excellent composer, and an accomplished musical antiquary;" in 1773, at the age of 23, he was awarded two prizes by the Catch Club, for a catch and a canon; gained prizes in 1774 for a glee, in 1775 for a catch and a glee, in 1776 for a glee, in 1777 for a glee; assisted Sir John Hawkins greatly in his History both by reducing ancient compositions to modern notation and by loaning "valuable early MSS, from his extensive and curious library;" published in 1779 *A Collection of English Songs*, etc., composed about the year 1500; in 1780 won another prize from the Catch Club; "published at various times five collections of glees, containing compositions which place him in the foremost rank of English glee composers;" published a collection of songs, and "Twelve Chants" for choirs; in 1784 was appointed a gentleman of the Chapel Royal and, in 1785, a lay vicar of Westminster Abbey; in 1790 was engaged as organist for the Gloucester Festival; in 1802 became an organist of the Chapel Royal; in 1812 produced *Musica Antiqua*, a collection of music from the 12th to the 18th century; wrote an *Introduction to the Art of Composing Music;* died in 1836. [Condensed from Grove's Dictionary].

lowing paragraph; but I may fairly conjecture that the purpose was to impugn Smith's trustworthiness when, in 1799, he claimed that the air of "Anacreon" was "harmonized by the Author". This conjecture is not, indeed, very logical, because Mr. Blake and, following him, Dr. Flood contend that by "author" Smith did *not* mean "composer". The major part of Mr. Blake's and Dr. Flood's argument turns on *this* (to their minds *obvious*) interpretation of "author"; and accordingly both should most earnestly affirm the absolute trustworthiness of Smith. That Smith's veracity should be impeached (and, of all men, by the two consentient interpreters of Smith's own words) is not, of course, a logical thing; but I am at a loss how else to interpret Dr. Flood's indignation at Smith's "audacity". But now to his impeachment of Smith:

> An examination of Smith's *Fifth Book of Canzonets* reveals not only the interesting fact that this fourth-rate musician merely *arranged* the long-existing melody of "Anacreon," but he also arranged, in a different volume, another Anacreontic song, and likewise "God Save the King!" and had the audacity to assert that "the whole was *composed* by John Stafford Smith about the year 1780." (The italics are Dr. Flood's.)

The hastily-written English of this paragraph might easily mislead the reader. It is not an examination of Smith's Fifth Book which will reveal to us his composition of "another Anacreontic song, and likewise 'God Save the King!' . . .", etc. These things were revealed to Mr. Blake when he came across the 1780 volume of Smith's in an old-book shop in London.

But once more to our sheep. Dr. Flood marvels at the audacity of Smith in declaring that he had composed the whole of a volume containing "God Save the King!" Readers who are not familiar with the long controversies waged about the text and tune of the British national an-

them will fail to realize fully the enormous audacity of Smith in claiming that air as his own composition. Here are some facts concerning that anthem.

To place the following facts in proper perspective to Smith's audacity, it is necessary to recall that Dr. Flood accepts the common view that Smith was born in the year 1750. Now the anthem in question was first printed in *Harmonia Anglicana* (1743 or 1744, probably) and shortly afterwards in *Thesaurus Musicus* (a reprint, revised, of the former work). In 1745 it was sung in Drury Lane Theatre and was received with "tumultuous applause, and the example of Drury Lane was soon followed by Goodman's Fields and Covent Garden" (Julian's *Dictionary of Hymnology,* 2nd ed., 1907). A month later the words and music appeared in the *Gentleman's Magazine,* and about the same time in a new edition of the *Thesaurus Musicus.* "The air now rapidly increased in popularity" (Julian's *Dictionary*)—and therefore must have been universally known by the time (1750) when Smith was born. The *Historical Edition of Hymns Ancient and Modern* (1909) further assures us that "in the second half of the eighteenth century it became popular in France, Germany, and Denmark." That is, the tune must have traveled even to the continent about the time that Smith (in 1780) declared it his own composition. He was then a man of thirty years of age, and innumerable people must be then living who had heard the anthem sung in the London theatres before Smith was born, and have read it in the popular *Gentleman's Magazine,* or have played it from the musical collections, all of these publications having appeared before Smith was born.

Had Smith, then, declared that he was the composer of an air which so many people could testify that they had heard sung or had seen in print before he was born, his act would not have been one of "audacity", but rather one of

the greatest foolhardiness possible to mortal man. With about equal foolishness might the present writer claim to have composed the "Star-Spangled Banner".

Dr. Flood could not but know that the anthem was popular before Smith was born; and it is indeed because of this knowledge that he charges Smith with "audacity". I am not enough of a psychologist to explain how, under these circumstances, Dr. Flood could have considered Smith's act "audacious" rather than idiotic. He must (I presume) have "complacently followed" Mr. Blake down the rushing tide of the latter's mistaken enthusiasm. For Mr. Blake had discovered Smith's volume published in 1780, in an old bookshop in London; had purchased it for eighty cents (although, as he remarks, he would gladly have given eight dollars, and adds—jocularly, I suppose—that he would sell it to Congress for eight hundred dollars); had found "God Save the King" in it; had read on the title-page that Smith composed the "whole" of the volume; and had been properly scandalized at such incomprehensible audacity. But Mr. Blake was not a musician; he was an inventor of a device for rifles, and his invention was adopted (so the biographical note affixed to the binding of his pamphlet tells us) by the United States in the Spanish-American War. That Dr. Flood should have "complacently followed" Mr. Blake is the truly wonderful thing; for Dr. Flood is a musician, as well as a historian of music, and should immediately have suspected that something was "out of gear" in Mr. Blake's views concerning Smith's claim to the authorship of the British national anthem. A few moments' inspection of the volume itself would have enlightened him as to the exact claim of Smith, but—he followed Mr. Blake, whose offer to sell the book to Congress was quite superfluous, for Congress possesses both the 1780 volume and that of 1799.

What, then, is the explanation of the mystery of Smith's audacity? In his letters to me of 18 and 27 October, Mr. Sonneck tells simply and clearly what it really was that Smith laid claim to as composer:

> Blake refers to the words, "the whole compos'd by John Stafford Smith," on the title-page of his "A Miscellaneous Collection of New Songs, Catches, and Glees," London, James Blundell (published, as the contents prove, in the year 1780), and deduces his imputation that Smith fraudulently claimed with the above words to have been the composer of "God Save the King" from the fact that on p. 27 "God Save the King" appears in "A Canon in Subdiapente; 2 in 1 on a plain Song." Mr. Blake, who is not by profession a musician or historian, breaks down under his own argument by quoting Smith's Index, in which this particular piece appears as "Si Deus pro nobis . . . Canon . . . 27." The puzzle is simple enough for a musician: "Si Deus pro nobis" are the words put to the "Canon in Subdiapente; 2 in 1," and the "plain song," or "cantus firmus," as we would say nowadays, on which Smith composed his canon was the melody of "God Save Great George our King," duly printed with these words. . . . Dear old Smith's Index shows to what he laid claims as "composer" of "the whole": the canon (as was correct) and nothing more.

And so we leave Smith's audacity behind us and proceed to fresh woods and pastures new.

Altogether, it may readily be admitted that the argument for the ascription of the tune to Smith is not a weak one. We can now take the next step, and consider the probable provenance of the words.

4. The Authorship of the Words.

Assuming that Blake's proofs have quite demolished the common ascription of the tune to John Stafford Smith, the question of the authorship would remain an open one, with the probabilities, nevertheless, remaining in favor of an

English origin in view of the use of the song by the English Anacreontic Society—unless, indeed, we should find that the words of the Anacreontic Song were not of English origin. Dr. Flood properly addresses himself next to this question:

> First, let me note that the words of the Anacreontic song, now replaced by the words of "The Star-Spangled Banner," are of Irish origin, and evidently emanated from Ireland about the year 1765. They were slightly altered in 1770; and, as such, were printed in 1778, while some further alterations were made in the version published in 1781. The ascription of the song to "Ralph Tomlinson, Esq.," is based solely on the fact that it was sung by that gentleman as president of the Anacreontic Club in London about the year 1771.

This statement is so replete with dates that a reader is almost bewildered by the exactness of the details. However, all the dates may be passed over except the first date—and the most important of all—given by Dr. Flood as 1765 (or, rather, as "about" 1765). This date is so very important that, despite the vagueness of the additional and qualifying word "about", we are forced to pause and examine it closely. If, about the year 1765, the words of the Anacreontic Song emanated from Ireland, then we must, indeed, relinquish the legend ascribing their composition to Ralph Tomlinson, whose connection with the song dates back only (and only with some probability) to 1770 or 1771.

Now, Dr. Flood asserts this important date of 1765, but does not offer a scintilla of evidence on a point of capital importance for his argument. He declared that the words of the song "evidently emanated from Ireland", but offers no evidence of the emanation, or of his reason for conjecturing that the emanation took place "about" the year 1765. It is needless to say that, in an argument such as he is carrying on against an almost universal conviction of

learned investigators, something more plausible than an unsupported assertion should be offered by him to the world of interested scholars.

Is it not possible that in writing the date "1765" Dr. Flood may be relying merely on his memory? We ask the question, for the reason that Mr. Blake acknowledges having received from Dr. Flood some information about the publication, by E. Rhames, at Dublin, of a song "To Anacreon in Heaven". Mr. Blake accepted the date of publication as being between the years 1775 and 1790; and the song may have been printed in Dublin as early as 1775. Now, "1775" sounds very like "1765". It is true that there are only ten years between the dates in point of time —but there are untold aeons between the dates in point of argumentative value. If the words were known in Ireland, and emanated thence "about 1765", then Tomlinson's claim to their authorship falls to the ground; but if "1765" should have been written "1775", then Tomlinson's name is the first, associated, so far as we now know, with the words.

Apropos of Dr. Flood's rejection of Tomlinson's claim and the reason usually given for the ascription to him, I may quote from a letter I have received from Mr. James Warrington, the noted hymnologist and musical antiquary. "As to the words, there is no doubt they were written by Ralph Tomlinson. . . . His name is on the title-page of the copy which Dr. Cummings dates 1770 or 1771. Dr. Cummings sent me a copy of this title some years ago, and I regret that I cannot just now lay my hands on the correspondence."

Thus far, we cannot consider the elimination of the English claim to words and tune a completed piece of work. But at this point Dr. Flood begins his positive proof of the Irish origin of the tune.

H. T. Henry.

AMBROSE PARÉ, FATHER OF MODERN SURGERY

DR. EDWARD A. MALLON

BEFORE discussing the question, if any people of intelligence continue to account it an open question: "Was Ambrose Paré Catholic or Huguenot," we will present a brief outline of his eventful career.

He was born in the early part of the sixteenth century, in the village of Bourg-Hersent, vicinity of Laval in Maine. The older biographies dated his birth in 1510: the weight of revised research favors the year 1517, beyond serious contradiction. In either case, Paré lived in a cycle of momentous history for his time and ours; contemporary that he was with the outbreak and process of that political, religious and social disruption which is conventionally styled the "Reformation." In France, Paré's life coincided with no fewer than seven reigns; to wit, of Kings Louis XII, Francis I, Henry II, Francis II, Charles IX, Henry III and Henry IV. Among their foreign compeers, suffice it to recall the Emperor Charles V, and Philip II of Spain, Henry VIII and Edward VI, Mary Tudor and Queen Elizabeth of England.

Very little is known of Paré's youthful years; he is believed to have studied elementary Latin with Monsieur d'Orsay, chaplain to a gentleman near Laval, and later he was apprenticed to Master Vialot, barber-surgeon in Laval. About this point in his career, there came down from Paris the lithotomist Laurence Colot, to perform an operation on a confrère of the chaplain's; and then it was that Ambrose, assisting at the operation, felt stimulated to study surgery for good. For that matter, his brother Jean was a master barber-surgeon at Vitré in

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